

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

MICHAEL BRIAN HICKMAN,

Plaintiff,

v.

**Case No.: 2:16-cv-859
JUDGE GEORGE C. SMITH
Magistrate Judge Vascura**

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

ORDER

This case is before the Court to consider the *Report and Recommendation* issued by the Magistrate Judge on February 12, 2018. The Magistrate Judge recommended that Plaintiff's State of Errors be overruled and the decision of the Commissioner of Social Security be affirmed. (*See Report and Recommendation*, Doc. 32). This matter is now before the Court on Plaintiff's Objections to the Magistrate Judge's *Report and Recommendation*. (Doc. 33). The Court will consider the matter *de novo*. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3).

Plaintiff objects to the Administrative Law Judge's conclusion that Marc Miller, Ph.D.'s findings were no supported by treating records. (Doc. 33, Pl.'s Obj. at 1). Plaintiff asserts that in his original memorandum, he asserts that the record does not support the ALJ's analysis and conclusions on this issue. Plaintiff does not provide any further argument or evidence in support of his objection but instead is relying primarily on the arguments she asserted in the Statement of Errors.

The Court has carefully considered Plaintiff's objection, but ultimately disagrees and instead finds the ALJ's analysis and conclusions persuasive. The ALJ assigned "little weight" to Dr. Miller's assessment finding it inconsistent with the record as a whole. As discussed in detail in the *Report and Recommendation*, the Magistrate Judge found that even though the ALJ was not required to explain the reasoning behind rejecting Dr. Miller's opinion, he did. The Court agrees with the Magistrate Judge's analysis of the issue raised. The Magistrate Judge in her *Report and Recommendation* provided a well-reasoned explanation as to why the ALJ's decision should be affirmed, including that the ALJ's decision did not rest on discounting Dr. Miller's opinion, but rather, the ALJ carefully considered the records as a whole. Therefore, for the reasons stated in the well-reasoned *Report and Recommendation*, this Court finds that Plaintiff's objection is without merit.

Based on the aforementioned and the detailed *Report and Recommendation*, the Court finds that Plaintiff's objection has been thoroughly considered and is hereby **OVERRULED**. Accordingly, the *Report and Recommendation*, Document 32, is **ADOPTED** and **AFFIRMED**. Plaintiff's Statement of Errors is hereby **OVERRULED**, and the decision of the Commissioner of Social Security is **AFFIRMED**.

The Clerk shall remove Documents 32 and 33 from the Court's pending motions list, and enter final judgment in favor of Defendant, the Commissioner of Social Security.

IT IS SO ORDERED.

/s/ George C. Smith
GEORGE C. SMITH, JUDGE
UNITED STATES DISTRICT COURT